United Nations A/C.3/57/7

General Assembly

Distr.: General
6 November 2002
English
Original: Russian

Fifty-seventh session
Third Committee
Agenda item 109 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 5 November 2002 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

In his statement at the fifty-seventh session of the General Assembly, the Russian Federation Minister for Foreign Affairs, I. S. Ivanov, put forward a proposal on the need to draw up an effective code for the protection of human rights against terrorism.

The annex to this letter contains elements, which, in our view, could form the basis for elaborating the draft text of the aforementioned code as an important component for establishing, under the auspices of the United Nations, a global system for counteracting contemporary threats and challenges.

With account taken of the possible views of States and international organizations with respect to the elements proposed, we would be prepared to continue the discussion of this issue, inter alia, during the fifty-ninth session of the Commission on Human Rights (Geneva, March and April 2003).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 109 (b).

(*Signed*) S. **Lavrov**

02-67921 (E) 081102 081102

Annex to the letter dated 5 November 2002 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Basic elements for drawing up a draft code for the protection of human rights against terrorism

1. Confirming the condemnation of terrorism in all its forms and manifestations, regardless of its motives and wherever and by whomever acts of terrorism are committed.

2. The need to create in the world an atmosphere of the complete rejection of terrorism as a criminal offence constituting a serious threat to civil society, democratic values, and legality, and impeding the promotion and protection by States of human rights and fundamental freedoms, first of all the right to life (inter alia, through the carrying out, under the auspices of the United Nations and other international organizations, of measures that reveal the inhuman nature of terrorism, the issuing of publications on this subject, and the inclusion of corresponding sections in textbooks for schools and institutions of higher education).

3. The obligation of States to ensure the protection of human rights against terrorism on the basis of a series of measures designed, in particular, to:

- Prevent and suppress acts of terrorism, including the elimination of the reasons for terrorism, inter alia, by promoting respect for human rights, democratic freedoms, harmony in societies, interreligious and intercultural dialogue and the elimination of poverty and discrimination;
- Strengthen the legal basis for combating terrorism (at the global, regional, bilateral and national levels), giving due attention to questions relating to the protection of human rights against violations by terrorists, including ensuring the universal accession by States to the corresponding international conventions and protocols relating to terrorism;
- Combat the financing of terrorism, including preventing terrorists from gaining access to the international financial system, prohibiting physical and legal persons, including charitable funds and religious structures, from providing or using any funds, financial assets, economic resources or other services for terrorist purposes, the freezing of the accounts of persons and organizations that commit acts of terrorism or in any way support such activities, and the introduction of criminal liability for the deliberate provision or collection of funds by any methods, directly or indirectly, by their citizens or in their territory with the intention that such funds should be used — or with the knowledge that they will be used — to commit terrorist acts;
- Provide one another with all possible assistance in connection with criminal investigations and the criminal prosecution of persons who have committed acts of terrorism or are otherwise involved in them, including the financing of such acts;
- Ensure the inevitability of the liability of such persons, including on the basis of the principle "extradite or prosecute" (*aut dedere aut judicare*);

- Provide help to persons who have suffered as a result of acts of terrorism, including financial assistance (inter alia, by confiscating the funds and property of terrorists, and their organizations and sponsors), and ensure their social and psychological rehabilitation and reintegration into society;

- Ensure effective international cooperation at various levels in order to achieve the objectives enumerated, including the exchange of information, the conduct of joint anti-terrorist exercises and operations, and the provision of legal assistance, inter alia by extraditing suspected criminals and obtaining evidence for criminal prosecution.

4. The legality of all measures undertaken by a State in order to ensure the protection of human rights against terrorism, including the conformity of such measures with the corresponding international legal obligations, inter alia, in the field of human rights.

5. The inadmissibility of any discrimination, including on the basis of sex, language, nationality, religion, or ethnic or social origin, in ensuring the protection of human rights against terrorism.

6. The possibility of the temporary derogation, in accordance with international law, from certain obligations in the field of human rights in order to ensure the protection of human rights against terrorism.

7. The contribution by civil society, including the mass information media, to the protection of human rights against terrorism.

8. Universal recognition and implementation of the right to protection against terrorism on the part of every person, regardless of his nationality and whereabouts as a right that is in keeping with the ideal of a free individual living in an environment free of fear and unlawful violence.